

EXHIBIT 1

INTRODUCTION

Respondent, Barstow College Faculty Association (the “Association”) is an association of faculty members at Barstow Community College located in Barstow, California. During 1999 – 2000, Wilford Wiseman was the President, Jim Bray was the Vice President, Barbara J. Simmons was the Secretary, and Garland Dittman was the Treasurer of the Association.

During the months of September and November 1999, Barstow College Faculty Association was the true source of nineteen contributions to two candidates for the Barstow Community College Board of Trustees. Barstow College Faculty Association made these contributions through an arrangement with its members, whereby the members wrote personal checks for contributions to the candidates, and the Barstow College Faculty Association reimbursed \$150 in dues payments to each individual who made contributions. This chain of activity is commonly referred to as “laundering” campaign contributions. Laundering undermines the campaign disclosure provisions of the Political Reform Act (the “Act”)¹ and it deprives the electorate of essential information about who is supporting a candidate.

For purposes of this Stipulation, Respondent’s violations of the Act are as follows:

COUNTS 1 - 19: On or about and between September 1, 1999 and November 30 1999, Respondent Barstow College Faculty Association made nineteen contributions in a name other than its own legal name in violation of section 84301 of the Government Code.

SUMMARY OF THE LAW

COUNTS 1 – 19

Section 81002, subdivision (a) of the Act provides that “receipts and expenditures in election campaigns shall be fully and truthfully disclosed in order that voters may be fully informed and improper practices may be inhibited.” Timely and truthful disclosure of the source of campaign contributions is an essential part of the Act’s mandate.

In order to obtain disclosure of the true source of campaign contributions, Section 84301 provides that “no contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.”

¹ The Political Reform Act is contained in Government Code section 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

SUMMARY OF THE FACTS

COUNTS 1 – 19

During the November 2, 1999 election, there were six candidates for three positions on the Barstow Community College Board of Trustees. During this time, Barstow Community College employed 33 full-time counselors and faculty, who constituted the membership of the Barstow College Faculty Association.

A Special All-Faculty Meeting of the Barstow College Faculty Association was held on August 26, 1999. At the meeting, it was proposed “those members who will write checks to the candidates of their choice and declare to the Association that they have done so, the Association will rebate to the individual a sum equal to the same up to \$150.” The proposal was voted on and passed. The written version of the proposal, which was distributed to the members, concerning the dues rebate process, listed all six candidates for community college board and their mailing addresses.

On September 23, 1999, Wilford Wiseman, the Association’s President, sent a memorandum to “All College Teaching Staff” stating:

Let me take this opportunity to enlist the united help of everyone in the coming Board election. We are planning to have an evening when Marcia Zableckis and Bryant Davis can be with us to hear you and answer any questions you might have. They are very, very student oriented.

Thereafter, on October 18, 1999, the Association sent a letter on official Association letterhead, encouraging its members to vote for Marcia Zableckis and Bryant Davis in the November 2, 1999, Board of Trustees Election.

The following members of the Association made contributions to Zableckis and Davis and were reimbursed by the Association for their contributions:

Count	Intermediary	Recipient	Date of Check	Amount of Check
1	Joseph P. Graci	Bryant Davis	10/6/99	\$50
2	Ruth Wiseman	Bryant Davis	10/6/99	\$50
3	Dale T. Jensen	Bryant Davis	10/5/99	\$75
4	John L. Stacy	Bryant Davis	9/23/99	\$50
5	Faye L. Carter	Bryant Davis	9/16/99	\$75
6	Fred Kellenberger	Bryant Davis	9/9/99	\$75
7	Mark A. Cauble	Bryant Davis	9/9/99	\$75
8	J.W. Edwin Spear	Bryant Davis	9/1/99	\$75
9	Barbara Simmons	Bryant Davis	9/6/99	\$50
10	Joe Graci	Marcia Zableckis	10/6/99	\$50
11	Wilford Wiseman	Marcia Zableckis	10/6/99	\$50

12	Dale Jensen	Marcia Zableckis	9/23/99	\$75
13	John Stacy	Marcia Zableckis	9/16/99	\$50
14	Faye Carter	Marcia Zableckis	9/23/99	\$75
15	Fred Kellenberger	Marcia Zableckis	9/9/99	\$75
16	Mark Cauble	Marcia Zableckis	9/8/99	\$75
17	J.W. Edwin Spear	Marcia Zableckis	9/1/99	\$75
18	Barbara Simmons	Marcia Zableckis	9/16/99	\$50
19	Don Moore	Marcia Zableckis	10/5/99	\$150
TOTAL				\$1,325

The Association reimbursed each member \$150 for their contribution, even though four of the members contributed only \$100.

By making nineteen contributions in a name other than its own name, Respondent committed nineteen violations of Section 84301. After the violations came to light, all of the Association members, except for one, repaid the Association for the reimbursement.

CONCLUSION

Making a contribution in another person's name is one of the most serious types of violations of the Political Reform Act, because it denies the public of information about where a candidate receives his or her financial support. In this instance, the public was denied information about the true source of financial support for Board of Trustees Candidates Bryant Davis and Marcia Zableckis, in that Respondent was the true source of approximately 32% of the contributions received by Bryant Davis before the election, and approximately 72.5% of the contributions received by Marcia Zableckis before the election. Davis and Zableckis were successful candidates for the Board of Trustees.

This matter consists of nineteen counts, which carry a maximum possible administrative fine of thirty-eight thousand dollars (\$38,000). The seriousness of this case justifies imposition of the agreed upon penalty of thirty-two thousand nine hundred dollars (\$32,900). This penalty reflects a penalty of \$2,000 per count for counts five and fourteen and \$1,700 per count for the remaining seventeen counts. Counts five and fourteen involve contributions by Association member Faye Carter, who did not refund the reimbursement that she received back to the Association. All of the other counts involve contributions by Association members who refunded their reimbursement back to the Association. All but one contribution was less than \$100. This penalty is substantial considering Respondent's budget consists primarily, if not solely, of revenue from dues, which total only about \$4,000 per year.